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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,734	06/12/2001	Ronald Llewellyn Burges	CNF-001	4876

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EXAMINER

WRIGHT, NORMAN M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/879,734	<b>Applicant(s)</b> BURGES ET AL.	
	<b>Examiner</b> Norman M. Wright	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-19 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. Claims 1-5 and 7-16 remain in this application for examination, claim 6 has been cancelled, and new claims 17-19 have been added.

### ***Claim Objections***

2. Claims 13-15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim they do not refer back in the alternative only. See MPEP § 608.01(n). Accordingly, the claim13-15 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5,7-9 and 12, 17-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by WO 99/37054, hereinafter '054.
5. As to claims 1-5,7-9 and 12, 17-19 '054 teach a method of controlling access, at least one user, a remote server, a communication link, allocating disk storage, unique to at least one user, allowing user to access storage, username, password, encrypted data, an encrypted path /SSL / session key exchange, a digital certificate, public key,

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allowing at least one other user, authentication of users, electronic safety deposit system, account based internet server, downloading or uploading documents, centralized server, data confidentiality, integrity, repudiation, at least one further user access/ read/write, managed by the at least one user, and proof. See '054 at abs., related art, summary, pgs. 7-12, 15, page 9, line 1 et seq., page 10, 2nd. Paragraph et seq., claims 1-6, 9-10, 24, 25-27, 29, and 33, and figs. 1-3.

6. Claims 1-5, 7-12, 17-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by An et al., U.S. Pat. No. 6,715,073, hereinafter '073.

7. As to claims 1-5, 7-12, 17-19 '073 teaches a secure server having a method and apparatus comprising: controlling access, at least one user, a remote server, a communication link, allocating disk storage, unique to at least one user, allowing user to access storage, username, password, encrypted data, a digital certificate, managed by user, an internet services, an encrypted path /SSL / session key exchange, a digital certificate, public key, allowing at least one other user, authentication of users, electronic safety deposit system, account based internet server, downloading or uploading documents, centralized server, data confidentiality, integrity, repudiation, and proof, account holder, electronic deposit box, central server, downloading or uploading documents, allowing access/ read/ write by user to another, with date times frames/ access/validity period. See abstract, figs. 1-4, 6-9, col. 1, lines 62 et seq.- col. 2, lines 25-50 et seq., and col. 4, line 28 et seq., and cols. 5-8.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '073 as applied to claims 1-12.

10. As to claims 13-16, '073 substantially teaches the claimed invention as recited above, not explicitly taught is the apparatus being embodied as a program on a computer readable medium.

11. The examiner takes official notice of both the motive and modification necessary for placing a computer related invention on a computer readable or program medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the invention of '073 on a computer readable medium, by augmenting the invention to be stored as software, firmware or placing it on one of various magnetic or optical mediums. A person of ordinary skill in the art would have been motivated to perform such a modification because, the use of optical and magnetic medias are well known in the art as means of storing, implementing, and shipping computer program products. One of ordinary skill in the art would have readily realized that the use of these well established medias or programs could be utilized in the computer related invention of '073, because, inevitable every computer invention will have to be loaded or

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stored in a computer for storage, initialization, or execution. This is notoriously well known in the art.

12. Alternatively, claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '054 as applied to claims 1-7, 9, 12.

13. As to claims 13-16, '054 substantially teaches the claimed invention as recited above, not explicitly taught is the apparatus being embodied as a program on a computer readable medium.

14. The examiner takes official notice of both the motive and modification necessary for placing a computer related invention on a computer readable or program medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the invention of '054 on a computer readable medium, by augmenting the invention to be stored as software, firmware or placing it on one of various magnetic or optical mediums. A person of ordinary skill in the art would have been motivated to perform such a modification because, the use of optical and magnetic medias are well known in the art as means of storing, implementing, and shipping computer program products. One of ordinary skill in the art would have readily realized that the use of these well established medias or programs could be utilized in the computer related invention of '054, because, inevitable every computer invention will have to be loaded or stored in a computer for storage, initialization, or execution. This is notoriously well known in the art.

***Response to Arguments***

15. Applicant's arguments with respect to claim 4/01/05 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Norman M. Wright  
Primary Examiner  
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